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Waterbury  
SUPERIOR COURT

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Civil Short Calendar

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Hon. Salvatore C. Agati (A.J.) (P.J.)  
Hon. Elizabeth A. Gallagher  
Hon. Thomas F. Upson  
Hon. Robert G. Gilligan  
300 Grand Street  
9:30 A.M.

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NOTICE

NOTICE RE: MERS FORECLOSURES

In any foreclosure action where a Mortgage Electronics Registration System company is the plaintiff, no Judgment of Foreclosure shall enter unless an assignment of mortgage to the holder of the promissory note has been recorded on the land records and a Motion to Substitute the holder of the note as the plaintiff has been granted or an affidavit is filed with the court that the plaintiff is the actual holder of the promissory note.

THERE WILL BE NO CALL. All assignments of ready matters will be posted on a list outside Courtroom 4 before 9:30 a.m. on the Short Calendar day.

MARKINGS

Between 9:00 a.m. Tuesday and 4:00 p.m. Thursday of the week preceding the calendar date, the moving party must mark the case "ready" if the party wishes to proceed with argument, or "off by agreement." In the event a state holiday falls on the Friday preceding the calendar, matters are to be marked until 11:00 a.m. Thursday.

If a state holiday falls on the Thursday preceding the calendar, matters may be marked until 5:00 p.m. Wednesday.

Markings by fax machine or electronically through the Judicial Branch website are preferred. A required standard fax form is available on the

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website ([www.jud.ct.gov](http://www.jud.ct.gov)) and from any Clerk's Office. The fax number is 203-596-4032. Attorneys registered with the Statewide Grievance Committee and law firms with juris numbers may enroll and obtain a password to mark civil short calendar matters electronically through the website. Telephone markings may be called in to 203-591-3300, press 8.

The moving party is required to provide the Court with the full name of the person making the marking and confirmation that all counsel and pro se parties have been notified of the marking. The moving party shall bring confirmation of the marking to the short calendar hearing of an arguable matter. **SHORT CALENDAR NOTICE FOR FORECLOSURE MATTERS** Provided the matter has been marked "READY," argument will be heard on the day scheduled for short calendar on the following motions: "As of Right" motions listed in P.B. § 11-18 including Motions for Judgment of Foreclosure, Deficiency Judgments, Motions to Approve Committee Sale, Deed, Report, Expenses and Fees, Motions to Open Judgment, Motions for Protection from Foreclosure, and Motions for Judgment on the Mortgage Note.

Any "Not As of Right" motion which has printed with an "As of Right" motion may be marked "TAKE PAPERS" or, if oral argument is requested pursuant to P.B. § 11-18, it may be marked "READY." If the "Not as of Right" motion is marked "READY" in conjunction with the "As of Right" motion, the Court will hear the matter on the day scheduled for short calendar. If only the "Not As of Right" motion has been marked "READY," the judge will determine whether oral argument is necessary. If oral argument is necessary, a hearing will be scheduled and the clerk will notify the parties of the hearing date by mail. Those matters for which argument is deemed unnecessary will be decided on the papers.

- An Affidavit of Appraisal should be submitted in lieu of testimony except where fair market value is contested. In the case of deficiency judgments, the appraiser shall testify if the appraisal is lower than the fair market value found at the date of judgment or if the fair market value is contested.

- The following originals should be submitted at the hearing on Motion for Judgment of Strict Foreclosure or Motion for Judgment of Foreclosure by Sale: Mortgage Note and Deed (or Affidavit of Loss), Appraisal Report, Affidavit of Debt with updated computation of the debt to day of judgment, and any necessary military affidavits.

- Opposing parties contesting value must file a Notice of Intent to Argue at least 3 days prior to hearing and must certify copies to all counsel and pro se parties of record.

- After a Foreclosure by Sale, the Motion for Supplemental Judgment is to be filed with a copy of the proposed judgment. If supplemental judgment disbursement is held by the clerk, the debt should be calculated to date of disbursement. No appearance should be necessary for a Motion for Supplemental Judgment.

- The Plaintiff shall file an appropriate affidavit indicating compliance with C.G.S. § 8-265dd (the Emergency Mortgage Assistance Payment Program).

- Defaults will not be granted at the time of judgment unless such motions have been filed pursuant to P.B. § 17-20 (Failure to Appear), P.B. § 17-32 (Failure to Plead), and P.B. § 13-19 (No Disclosure of Defense) and there has been compliance with the notice requirements as prescribed in the respective rules. Defaults for Failure to Appear, except as provided in P.B. § 17-23 through 17-30, and Defaults for Failure to Plead will be granted by the clerk. Defaults for Failure to Disclose a Defense will only be placed on the short calendar or heard after compliance with the notice requirements prescribed in P.B. § 10-12 through 10-17.

#### **CIVIL MATTERS**

##### **"As of right" motions**

All "as of right" motions will be printed on the short calendar. If any party has claimed an "as of right" motion for argument or testimony and has marked the motion "ready", the attorneys and pro se parties shall appear at the short calendar and have oral argument before the assigned judge.

If no party has claimed an "as of right" motion for argument or testimony and if the motion is not marked "off," the motion will be assigned on short calendar day to a judge who will either decide the motion or, in his/her discretion, assign the matter for oral argument. The parties will be notified if the court decides to assign the matter for oral argument.

##### **Motions which are not "as of right"**

All motions where oral argument is not "as of right" will be printed on the short calendar. Attorneys and pro se parties should **NOT** appear at the short calendar, however.

All motions not "as of right" which are printed on the short calendar will be assigned to a judge unless they have been marked "off". The judge shall decide the motion or, in his/her discretion, assign the matter for oral argument. The parties will be notified if the court decides to assign the matter for oral argument.

To request oral argument or testimony on a not "as of right" motion, the moving party should make such a request on the bottom of the first page of the motion or on a reclaim slip. A non-moving party who wishes oral argument on a not "as of right" motion shall file and serve a written notice requesting it on or before the third day before the short calendar date.

The short calendar will continue to show matters as "arguable" or "non-arguable". All matters will appear initially as "non-arguable" unless (a) oral argument is as of right and has been requested by a party; or (b) a judge has assigned the matter for oral argument after having reviewed the file; or (c) the matter is a foreclosure matter on which argument is required.

Please note that these procedures do **NOT** apply to family cases nor to many of the motions which appear on the foreclosure calendar.

#### **ALL MATTERS**

**Assignment of Arguable motions in "Arguable" columns.** ANY CASE CALLED IN AND MARKED READY MAY BE DECIDED "ON THE PAPERS" AT THE JUDGE'S DISCRETION IF NO ONE RESPONDS WHEN THE CASE IS CALLED ON SHORT CALENDAR DAY.

All cases in Arguable columns will be marked "OFF" or decided "on the papers" at the judge's discretion unless a message is received by the close of the marking period.

**Non-Arguable motions.** All motions appearing as non-arguable in Arguable or in Non-arguable columns will be decided "ON THE PAPERS" unless the matter is marked "OFF" by agreement by the close of the marking period.

#### **NOTICE CONCERNING E-FILEING**

Initiating cases and filing motions and pleadings through the Internet is now available for five types of cases through the Judicial Branch website ([www.jud.ct.gov](http://www.jud.ct.gov)). Access the e-filing system by clicking on E-Services on the blue menu bar or by clicking on the e-filing icon. If you are interested in obtaining information regarding enrollment, e-filing cases/motions and pleadings, or attending interactive learning sessions, please contact [efile@jud.ct.gov](mailto:efile@jud.ct.gov).

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